

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Jesus Alberto Hernandez-Acevedo, )

a.k.a.: Jesus Alberto Hernandez, )

(A204 406 676) )

Defendant )

Case No. 17-8434MJ

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 7, 2016, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jesus Alberto Hernandez-Acevedo, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about January 25, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Ryan Powell

☒ Continued on the attached sheet.
  
 Complainant's signature

 Valery Lozano,  
 Deportation Officer  
 Printed name and title

Sworn to before me and signed in my presence.

Date: October 13, 2017
  
 Judge's signature
City and state: Phoenix, Arizona
 John Z. Boyle,  
 United States Magistrate Judge  
 Printed name and title


## STATEMENT OF PROBABLE CAUSE

I, Valery Lozano, being duly sworn, hereby depose and state as follows:

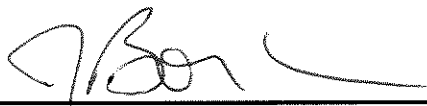
1. Your affiant is a Deportation Officer, with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On November 7, 2016, Jesus Alberto Hernandez-Acevedo was booked into the Arizona State Prison Complex (ASPC), Alhambra Reception, on local charges, in Phoenix, Arizona. On that date, while at the ASPC facility, Hernandez-Acevedo was encountered by Corrections Officer (CO) J. Renteria who was designated with the authority to determine alienage under the Immigration and Naturalization Act, Section 287(g). CO Renteria determined Hernandez-Acevedo to be a citizen of Mexico, illegally present in the United States. On November 8, 2016, an immigration detainer was lodged with the ASPC. On October 12, 2017, Hernandez-Acevedo was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Hernandez-Acevedo was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.

3. Immigration history checks revealed Jesus Alberto Hernandez-Acevedo to be a citizen of Mexico and a previously deported criminal alien. Hernandez-Acevedo was removed from the United States to Mexico through Nogales, Arizona, on or about January 25, 2016, pursuant to an order of removal issued by an immigration judge. There is no record of Hernandez-Acevedo in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Hernandez-Acevedo's immigration history was matched to him by electronic fingerprint comparison.
4. Criminal history checks revealed that Jesus Alberto Hernandez-Acevedo was convicted of Solicitation to Possess Marijuana for Sale, a felony offense, on March 13, 2015, in the Superior Court of Arizona, Maricopa County. Hernandez-Acevedo was sentenced to two (2) years of incarceration. Hernandez-Acevedo's criminal history was matched to him by electronic fingerprint comparison.
5. On October 12, 2017, Jesus Alberto Hernandez-Acevedo was advised of his constitutional rights. Hernandez-Acevedo freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about November 7, 2016, Jesus Alberto Hernandez-Acevedo, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the

United States at or near Nogales, Arizona, on or about January 25, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), enhanced by (b)(1).

  
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Valery Lozano,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 13<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
John Z. Boyle,  
United States Magistrate Judge